

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

UNITED STATES OF AMERICA,

Case No. 11-20129

Plaintiff,

HON. ROBERT H. CLELAND

v.

D-1 SCOTT WILLIAM SUTHERLAND, et al.

Defendants.

---

UNITED STATES OF AMERICA,

Case No. 11-20066

Plaintiff,

HON. ROBERT H. CLELAND

v.

D-1 JEFF GARVIN SMITH, et al.

Defendants.

---

**THE UNITED STATES MOTION FOR EXCLUDABLE DELAY**

NOW COMES the United States of America by and through its attorneys, BARBARA L. McQUADE, United States Attorney, and Saima S. Mohsin and Eric M. Straus, Assistant United States Attorneys, for the Eastern District of Michigan, and Jerome M. Maiatico, Trial Attorney for the U.S. Department of Justice, and respectfully requests that the Court exclude the time between **April 16, 2013** and **June 20, 2013** under the Speedy Trial Act, 18 U.S.C.

§3161(h)(7)(B)(ii). In support of its motion, the Government states the following:

1. On February 8, 2013, the Government filed a motion to designate the above-captioned cases as complex cases under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(B)(ii). (11-20129 R. 534; 11-20066 R. 135). The Government incorporates by reference as if fully set forth below its February 8, 2013 motion.

2. On February 21, 2013, the Court granted the Government's motion and issued an Order designating the above-referenced cases complex cases within the meaning of §3161(h)(7)(B)(ii) and excluded the time between February 7, 2013 and April 16, 2013 . (11-20129 R. 544: Order; 11-20066 R. 139: Order). The Court found "that this case is so complex that it is unreasonable to expect adequate preparation for pretrial proceedings and trial within the time limits established by the Speedy Trial Act." (*Id.*).

3. For the reasons set forth in its February 8, 2013 motion, the Government submits these cases remain complex cases due to the nature of the prosecution, the number of defendants, and quantity of evidence. Therefore, it is unreasonable to expect adequate preparation for pre-trial proceedings and trial within the time limits of the Speedy Trial Act.

4. The Government submits that the ends of justice favor a continuance because the parties would otherwise be denied the reasonable time necessary for effective preparation, and such preparation will substantially shorten the time necessary for trial.

5. The ends of justice resulting from a continuance will outweigh the interests of the public and the defendants in a speedy trial. Accordingly, the Government respectfully requests

that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii), a continuance be granted from **April 16, 2013 to June 20, 2013** under §3161(h)(7)(B)(ii).

Respectfully submitted,

BARBARA L. McQUADE  
United States Attorney

s/ Saima S. Mohsin  
s/ Eric M. Straus  
Assistant U.S. Attorneys  
211 West Fort Street, Suite 2001  
Detroit, Michigan 48226-3211  
Telephone: (313) 226-9100  
[Saima.Mohsin@usdoj.gov](mailto:Saima.Mohsin@usdoj.gov)  
[Eric.Straus@usdoj.gov](mailto:Eric.Straus@usdoj.gov)

JEROME M. MAIATICO  
Trial Attorney  
U.S. Department of Justice  
1301 New York Avenue, N.W., Room 703  
Washington, D.C. 20530  
Telephone: (202) 615-8125  
[Jerome.Maiatico@usdoj.gov](mailto:Jerome.Maiatico@usdoj.gov)

Dated: April 18, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2013, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

s/ Saima Mohsin  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9163  
E-Mail: Saima.Mohsin@usdoj.gov  
P73990